

Billie L.M. Addleman, #6-3690
John P. Fritz, #7-6318
HIRST APPLEGATE, LLP
P. O. Box 1083
Cheyenne, WY 82003-1083
Phone: (307) 632-0541
Fax: (307) 632-4999
baddleman@hirstapplegate.com
jfritz@hirstapplegate.com

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

CUSTODIA BANK, INC.	}	
	}	
Plaintiff,	}	
	}	
vs.	}	Civil No. 1:22-cv-00125-SWS
	}	
FEDERAL RESERVE BOARD OF	}	
GOVERNORS and FEDERAL RESERVE	}	
BANK OF KANSAS CITY,	}	
	}	
Defendants.	}	

**FEDERAL RESERVE BANK OF KANSAS CITY'S UNOPPOSED MOTION FOR
LEAVE TO FILE EXHIBIT RELATED TO MOTION TO DISMISS THE AMENDED
COMPLAINT UNDER SEAL**

Defendant Federal Reserve Bank of Kansas City (“FRBKC”), through undersigned counsel, hereby moves the Court pursuant to Federal Rule of Civil Procedure 7(b) and Local Rule 5.1(g) for leave to file under seal the letter FRBKC sent to Custodia denying its account request, attached to the Declaration of Billie L.M. Addleman, March 28, 2023, as Exhibit A [hereinafter the “Denial Letter”]. The parties have met and conferred and neither The Board of Governors of the Federal Reserve System (“Board of Governors”) nor Custodia Bank, Inc. (“Custodia”) oppose this motion.

Although there is a strong presumption in favor of public access to judicial proceedings, that presumption “is not absolute.” *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007). A court will permit a document to be sealed when the requesting party shows that there is a “a real and substantial interest that justifies depriving the public of access to the records that inform [the] decision-making process.” *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1242 (10th Cir. 2012). “Whether judicial records and other case-related information should be sealed or otherwise withheld from the public is a matter left to the sound discretion of the district court.” *Mann*, 477 F.3d at 1149. For example, courts in this Circuit permit filing documents under seal or redacting documents to protect confidential commercial information. *See Polk v. Swift*, No. 19-CV-148-S, 2020 WL 13049253, at *3 (D. Wyo. Jan. 13, 2020) (permitting discovery documents designated as containing confidential information to be filed under seal); *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, No. 17-MD-2785-DDC-TJJ, 2020 WL 7396915, at *2 (D. Kan. Dec. 17, 2020) (authorizing the parties to redact documents to “properly protect the parties’ confidential business information”).

FRBKC moves to file the Denial Letter under seal because it may contain Custodia’s confidential commercial information. Custodia provided business materials to FRBKC when it submitted its master account request and during the course of FRBKC’s evaluation of that request. Some of these submissions and responses to requests for additional information were accompanied by requests from Custodia for confidential treatment of the submitted information. Because the denial letter may contain confidential commercial information, compelling reasons exist to file the Denial Letter under seal, and FRBKC’s motion should be granted.

Dated: 28 March 2023.

/s Billie LM Addleman
BILLIE LM ADDLEMAN, #6-3690
JOHN P. FRITZ, #7-6318
OF HIRST APPLEGATE, LLP
Attorneys for Defendant FRBKC
P. O. Box 1083
Cheyenne, WY 82003-1083
Phone: (307) 632-0541
Fax: (307) 632-4999
baddleman@hirstapplegate.com
jfritz@hirstapplegate.com

Andrew Michaelson (*pro hac vice*)
Laura Harris (*pro hac vice*)
KING & SPALDING LLP
1185 Avenue of the Americas, 34th Floor
New York, NY 10036
Phone: (212) 556-2100
amichaelson@kslaw.com
lharris@kslaw.com

Jeffrey S. Bucholtz (*pro hac vice*)
Joshua N. Mitchell (*pro hac vice*)
Christine M. Carletta (*pro hac vice*)
KING & SPALDING LLP
1700 Pennsylvania Ave NW
Washington, DC 20006
Phone: (202) 737-0500

***Counsel for Defendant the Federal Reserve
Bank of Kansas City***

Joshua P. Chadwick, Senior Special Counsel
Yvonne F. Mizusawa, Senior Counsel
Yonatan Gelblum, Senior Counsel
Katherine Pomeroy, Senior Counsel
BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM
20th Street and Constitution Avenue, N.W.
Washington, D.C. 20551
Phone: (202) 263-4835
joshua.p.chadwick@frb.gov

*Counsel for Defendant Federal Reserve
Board of Governors*

CERTIFICATE OF SERVICE

I certify the foregoing **Defendants' Motion To File Exhibit Related To Defendants' Joint 12(b)(1) Motion To Dismiss The Complaint As Moot Under Seal** was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 28 March 2023, and that copies were served as follows:

John K. Villa
Ryan Scarborough
Sarah M. Harris
Whitney D. Hermandorfer
Jamie Wolfe
WILLIAMS & CONNOLLY
680 Maine Avenue SW
Washington, DC 20024
jvilla@wc.com
rscarborough@wc.com
sharris@wc.com
whermandorfer@wc.com
jwolfe@wc.com
Attorneys for Plaintiff

- U.S. MAIL
- FED EX
- FAX
- HAND DELIVERED
- EMAIL
- E-FILE

Scott E Ortiz
WILLIAMS PORTER DAY & NEVILLE
159 North Wolcott, Suite 400
P O Box 10700
Casper, WY 82602
sortiz@wpdn.net
Attorneys for Plaintiff

- U.S. MAIL
- FED EX
- FAX
- HAND DELIVERED
- EMAIL
- E-FILE

Angela Tarasi
KING & SPALDING LLP
1401 Lawrence Street
Suite 1900
Denver, CO 80202
atarasi@kslaw.com
*Attorneys for Defendant Federal Reserve Bank of
Kansas City*

- U.S. MAIL
- FED EX
- FAX
- HAND DELIVERED
- EMAIL
- E-FILE

/s Shannon M. Ward
OF HIRST APPLEGATE, LLP
Attorneys for Defendant